IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5612 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINODKUMAR J LEUVA

Versus

KALOL NAGAR PALIKA

Appearance:

1. Special Civil Application No. 5612 of 1990

MRS DT SHAH for Petitioner

MR MI PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 14/03/2000

ORAL JUDGEMENT

#. Though the matter is listed alongwith other matters viz. Spl. C.A. Nos.7009/90, 7439/90, 8373/99 and 4434/96. Mr.D.T.Shah, learned counsel appearing for the petitioner mentioned this matter and submitted that the petition is filed by the petitioner when the services of

the petitioner who was serving as a conductor in the City Bus Service came to be terminated on 14.10.86. The prayer of the petitioner was to the effect that the petitioner shall be absorbed as Octroi Clerk from 1987 on words on the establishment of Nagar Palika.

#. The matter is that of 1990. It is mentioned that the Union on behalf of the respondent Nagar Palika in the City Bus Service had raised a demand and pursuant to that a reference No.LCK/112/98. The said reference came to be disposed of by Labour Court, Kalol by an award dtd.6.6.1996. Whereby Labour Court was pleased to order that the employees of the respondent Nagar Palika shall be reinstated in service by the respondent Nagar Palika with continuity of service 100 % of back wages.

#. The respondent- Nagar Palika challenged the said order by filing Spl. C.A. No.5649/83 which came to be admitted. Rule was issued by this court on 26.3.1997. This court had granted the stay against the impugned award dtd.7.6.1996 only against the grant of relief of back wages. In view of the aforesaid facts Ms.D.T.Shah, for the petitioner requests that the present petition may be disposed of but the liberty may be reserved to the petitioner to get the award passed in Ref. No.LCK/112/98 implemented, subject to the order already or which may be passed by this court in the aforesaid Spl.C.A.No.5649/83. The petitioner is continued in service as there was no stay against the reinstatement and that now the petitioner is interested in getting the benefits of the aforesaid award.

#. The liberty as prayed for is reserved to the petitioner. The petitioner will be at liberty to get the aforesaid award implemented, subject to the order already passed and the order/s which may be passed hereinafter in the aforesaid petition.

#. With the aforesaid direction the present petition is disposed of with no order as to costs.

kks